

# HOUSE BILL No. 1125

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 12-14-1-1; IC 12-14-28-3.5.

**Synopsis:** Eligibility for public assistance. Provides that an individual convicted of a felony involving a controlled substance who has completed or is participating in a substance abuse treatment program may receive assistance under the federal Temporary Assistance for Needy Families (TANF) program.

**Effective:** July 1, 2005.

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**Foley, Smith V**

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January 6, 2005, read first time and referred to Committee on Family, Children and Human Affairs.

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First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1125

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 12-14-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) Assistance under AFDC shall be given to a dependent child who otherwise qualifies for assistance if the child is living in a family home of a person who is:

(1) at least eighteen (18) years of age; and

(2) the child's relative, including:

(A) the child's mother, father, stepmother, stepfather, grandmother, or grandfather; or

(B) a relative not listed in clause (A) who has custody of the child under a court order.

(b) A parent or relative and a dependent child of the parent or relative are not eligible for AFDC assistance when the physical custody of the dependent child was obtained for the purpose of establishing AFDC eligibility.

(c) A person convicted of an offense under IC 35-43-5-7 ~~or IC 35-48-4~~ is not eligible to receive assistance under AFDC for the following periods:



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(1) If the conviction is for a misdemeanor, the person is not eligible to receive assistance under AFDC for one (1) year after the conviction.

(2) If the conviction is for a felony, the person is not eligible to receive assistance under AFDC for ten (10) years after the conviction.

(d) The assistance paid to a dependent child under this section may not be affected by the conviction of a parent or an essential person of the dependent child under subsection (c).

SECTION 2. IC 12-14-28-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 3.5. An individual who:**

**(1) is otherwise eligible to receive assistance under this chapter;**

**(2) is convicted of an offense under federal or state law that:**

**(A) is classified as a felony; and**

**(B) has as an element the possession, use, or distribution of a controlled substance (as defined in 21 U.S.C. 802(6)); and**

**(3) has completed or is participating in a substance abuse treatment program;**

**is eligible to receive assistance under this chapter.**

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